

March 10, 2009

S 513. NOTICE OF HEARING/UNSUPERVISED PROBATION. Filed 3/10/09. *TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION.*

Amends GS 15A-1344 to require that notice of a hearing in response to an unsupervised probation violation be given either by personal delivery to the person to be notified or by mailing the notice in an envelope with prepaid postage, addressed to the person at the address shown on the court records. Effective July 1, 2009.

Intro. by Clodfelter.

GS 15A

April 1, 2009

S 513. NOTICE OF HEARING/UNSUPERVISED PROBATION. Filed 3/10/09. Senate committee substitute makes the following changes to 1st edition. The original bill provided that mailed notice was to be made to the address shown on the records of the court. The committee substitute permits the notice to be mailed, in the alternative, to the address shown on the records of the Division of Community Corrections or any other address known to the court and reasonably believed to provide actual notice to the offender.

April 7, 2009

S 513. NOTICE OF HEARING/UNSUPERVISED PROBATION. Filed 3/10/09. Senate amendment makes the following changes to 2nd edition. Clarifies that the notice of a hearing in response to a violation of unsupervised probation, if sent by mail, is to be addressed to the person to be notified with the last known address (was, the address) shown in the records of the Division of Community Corrections in the Department of Corrections, the last known address (was, the address) shown on the records of the court, or the last known address available to the preparer of the notice (was, any other address known to the court).

June 16, 2009

S 513. NOTICE OF HEARING/UNSUPERVISED PROBATION. Filed 3/10/09. House committee substitute makes the following changes to 3rd edition. Amends proposed GS 15A-1344(b1) to provide that a notice of hearing in response to a violation of unsupervised probation which is sent via United States mail, is to be addressed to the offender at that person's last known address available to the preparer of the notice (was, could also be addressed to the offender at the last known address shown on the records of the Division of Community Corrections in the Department of Correction, or the last known address shown on the records of the court).

June 29, 2009

S 513. NOTICE OF HEARING/UNSUPERVISED PROBATION. Filed 3/10/09. House amendment makes the following changes to 4th edition. Changes the effective date from July 1, 2009, to September 1, 2009.

July 20, 2009

S 513. NOTICE OF HEARING/UNSUPERVISED PROBATION. Filed 3/10/09. House committee substitute makes the following changes to 5th edition. Changes the title to *AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION, CLARIFYING PROCEDURES FOR COMMUNITY SERVICE STAFF NOTIFYING PERSONS OF WILLFUL VIOLATIONS, AND TO CLARIFY THE COURT'S AUTHORITY WHEN A NOTICE OF VIOLATION OF UNSUPERVISED PROBATION IS SERVED BY MAIL.*

Amends proposed subsection (b1) of GS 15A-1344 to specify that when service of the notice of hearing on a violation of unsupervised probation is by mail, the notice must (1) be mailed via United States mail at least 10 days prior to any hearing and (2) state the nature of the violation. Provides that if notice is given by mail and the defendant does not appear at the hearing, the court may do either of the following: (1) terminate the probation and enter appropriate orders for

the enforcement of any outstanding monetary obligations as otherwise provided by law or (2) provide for other notice to the person as authorized by GS Chapter 15A for further proceedings and action authorized by GS Chapter 15A, Article 28, for a violation of a condition of probation. Provides that if the person is present for the hearing, the court may take any further action authorized by GS Chapter 15A, Article 82, for a violation of a condition of probation.

Amends GS 143B-262.4(f) to provide that notice of a hearing regarding a probationer's willful failure to comply with the terms of the probationer's community service may be deposited in the United States mail addressed to the probationer's last known address available to the preparer of the notice and reasonably believed to provide actual notice to the person.

Makes the act effective December 1, 2009 (was, September 1, 2009).

August 5, 2009

SL 2009-411 (S 513). NOTICE OF HEARING/UNSUPERVISED PROBATION. AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION, CLARIFYING PROCEDURES FOR COMMUNITY SERVICE STAFF NOTIFYING PERSONS OF WILLFUL VIOLATIONS, AND TO CLARIFY THE COURT'S AUTHORITY WHEN A NOTICE OF VIOLATION OF UNSUPERVISED PROBATION IS SERVED BY MAIL. Summarized in *Daily Bulletin* 3/10/09, 4/1/09, 4/7/09, 6/16/09, 6/29/09, and 7/20/09. Enacted August 5, 2009. Effective December 1, 2009.